

**LICENSURE ORDER 2016-065**

IN THE MATTER	§	TEXAS STATE BOARD OF
OF THE LICENSE OF	§	VETERINARY
TODD PATRICK MURPHY, D.V.M.	§	MEDICAL EXAMINERS

## AGREED LICENSING ORDER

On this, the 26 day of January, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Todd Patrick Murphy, D.V.M. ("Applicant"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on January 25, 2016. Applicant attended the conference with his attorney. The Board was represented at the conference by the Board's Enforcement Committee.

Applicant, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Applicant agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Applicant acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee and with Applicant's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

## Findings of Fact

1. The Board has jurisdiction over the subject matter and Applicant. Applicant received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (“Act”). By entering into this Agreed Order, Applicant waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (“Board Rules”) (22 Tex. Admin. Code, Chapter 575).
2. On December 13, 2010, the Board issued a Final Decision and Order (the “Order”) revoking Dr. Murphy’s Texas veterinary license. The Board issued the Order after reviewing a Proposal for Decision issued by an Administrative Law Judge from the State Office of Administrative Hearings. Dr. Murphy did not appear at the hearing.
3. The Order found violations of Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board’s Rules of Professional Conduct, regarding four patients.
4. Dr. Murphy obtained his Tennessee veterinary license and moved to Tennessee in 2009.

5. In September of 2014, the Tennessee Board of Veterinary Medical Examiners (the "Tennessee Board") issued a Final Order (the "Tennessee Order") revoking Dr. Murphy's Tennessee veterinary license. The Tennessee Order found violations of the professional standard of care regarding six patients. The Tennessee Order also found that Dr. Murphy failed to maintain accurate patient records. Finally, the Tennessee Order found violations regarding Dr. Murphy's failure to disclose Texas disciplinary actions to the Tennessee Board.
6. In May of 2015, the Mississippi Board of Veterinary Medicine issued an order revoking Dr. Murphy's Mississippi veterinary license based on the Tennessee Board's revocation.
7. In accordance with Rule 575.22, Reinstatement of Licenses, Applicant now petitions the Board for reinstatement of his license.
8. Dr. Murphy presented evidence of the circumstances surrounding his disciplinary action in Texas and Tennessee. He also presented evidence of his clinical competence.

### **Conclusions of Law**

1. Applicant is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Fact 1 through 8, Applicant has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct.
3. Based on Findings of Fact 1 through 8, Applicant has violated Section 801.402(6) and (17) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct;

...

(17) is subject to disciplinary action in another jurisdiction, including the suspension, probation, or revocation of a license to practice veterinary medicine...issued by another jurisdiction.

4. Based on Conclusions of Law 1 through 3, Applicant is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board

may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty

NOW, THEREFORE, THE BOARD AND APPLICANT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Applicant is hereby granted permission to take the state licensing examination. Applicant must take and pass the state licensing examination within one year of the date of this Order. If Applicant passes the state licensing examination, he may be granted a Texas license subject to the following terms and conditions:

1. The license of Applicant is SUSPENDED for FIVE YEARS, with all of the suspension STAYED and Applicant placed on PROBATION.
2. For the duration of this Agreed Order, Applicant SHALL only practice veterinary medicine in a setting comprised of three or more Texas-licensed veterinarians, including Applicant.
3. Within 30 days of obtaining a Texas license, Applicant SHALL designate a Board-approved supervising veterinarian. The Board may delegate the evaluation and approval duties to the Executive Director. The Board-approved supervising veterinarian SHALL submit to the Executive Director quarterly reports for a period of two years. The first report SHALL be submitted no later than 90 days after the approval of the supervising veterinarian. The quarterly reports SHALL address the following areas: quality of care, client communication, recordkeeping, and any other reasonable matter the Executive Director may require.

The Board further ORDERS that:

1. Applicant shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Applicant shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Applicant's compliance with this order.
3. Failure by Applicant to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

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Applicant, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.


Applicant, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Applicant acknowledges that he had the right to be represented by legal counsel in this matter.

**APPLICANT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. APPLICANT AGREES THAT THIS IS A FINAL ORDER.**

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

**Signature page follows.**

I, TODD PATRICK MURPHY, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED LICENSING ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

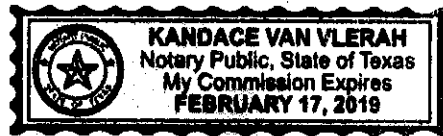
  
Todd Patrick Murphy, D.V.M.

1/26/16  
DATE

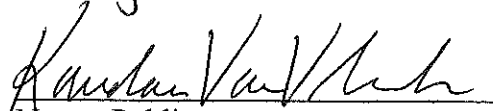
STATE OF Texas  
COUNTY OF Travis

BEFORE ME, on this day, personally appeared Todd Patrick Murphy, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Licensing Order, and acknowledged to me that he executed the same for the purposes stated therein.


Given under the hand and seal of office this 26<sup>th</sup> day of January, 2016.



Notary without Bond

  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26 January, 2016

  
Roland Lenarduzzi, DVM  
Interim, Board President